



## THEY MUST STAND TRIAL

Judge Cole Overrules the Sugar Case Demurrers.

## REPORTERS MUST TESTIFY.

The Case of Shivers and Edwards, Newspaper Correspondents, Who Refused to Testify Before the Senate Sugar Trust Inquiry.

By Southern Associated Press.

WASHINGTON, January 17.—Judge Cole this morning delivered his decision in the case of H. O. Havemeyer and John E. Searles, president and treasurer of the American Sugar Refining Company; J. S. Shivers and E. J. Edwards, newspaper correspondents, and Allen L. Seymour, stockbroker, indicted for refusing to answer questions asked by the Senate committee appointed to investigate the relations of the Sugar Trust to Senators and legislation. Judge Cole held that the demurrers filed by the defendants to the indictments against them were void. They must stand trial for the offense charged.

Judge Cole, in his decision, held that newspaper men had no right to claim that communications made to them were privileged, and therefore absolved them from letting the source of their information. They had no rights, he said, such as those conceded to priests and lawyers who had received communications in the confessional or from clients.

Judge Cole overruled the demurrer to the indictment against stockbroker Seymour without extended comment, of the ground that the case was exactly the same as that of stockbrokers McCartney and Chapman. As to the cases of correspondents Shivers and Edwards, Judge Cole said that the general questions involved were the same as those in the McCartney and Chapman indictments, that is, as to the general jurisdiction of the Senate to proceed with the Sugar Trust inquiry, but several questions were also involved that had not been disposed of, first as to relevancy of the questions asked and, second, that their answers might tend to make them liable to criminal prosecution.

As to the relevancy of the questions, the correspondents were asked as to the sources of information which they incorporated in newspaper articles. They were examined, said Judge Cole, so far as to develop that they did not have personal knowledge of the information, but it was developed that their sources of information were. One of them obtained their knowledge from a member of Congress, and the question was as to the identity of that member.

The question put to the other correspondent was substantially the same although the person furnishing the information was not a Congressman. This correspondent declined to give the source of his information on the ground that it was not pertinent.

Judge Cole said there was but one answer to that contention—it must have been pertinent. The grand jury could compel a person to disclose the basis for his information, unless the correspondents had the right to be excused on the ground that their answers would make them liable to prosecution or that the communication was a privileged one.

The Senate Committee, he said, had a perfect right to compel a person to disclose the sources of his information, unless the correspondents had the right to be excused on the ground that their answers would make them liable to prosecution or that the communication was a privileged one.

It did not appear, Judge Cole maintained, that either of these correspondents claimed that his answers might incriminate him. If they had claimed that the court would have been obliged to look into the basis for the claim. If they did claim that privilege, the indictments did not show it and the question could be raised only after the defendants had entered their pleas to the indictments.

That newspaper correspondents should claim the right to refuse to answer questions as to the sources of information, on the ground that the communication was privileged, was a new contention, said Judge Cole. That any editor or other newspaper man was to be a privileged person in this respect did not hold as it did in the case of a priest, confessor or, of a lawyer. Some court had yet to rule that it did hold.

It seemed to Judge Cole that there could be no more dangerous doctrine than that a newspaper correspondent should publish something derogatory to a party or body and then, when brought before a court, claim that it was a privileged communication which he had printed. That rule would be very demoralizing and have a dangerous tendency. There was no precedent and no basis for it. The demurrers in these cases were therefore overruled, and the defendants, said

Judge Cole, should be compelled to show privilege when they answered the indictments.

As to Messrs. Havemeyer and Searles, Judge Cole said that the only question left open for him to decide was whether the questions asked the witnesses were pertinent. It was claimed in behalf of Mr. Havemeyer that the pertinent questions were asked by Senator Allen and not by the chairman in behalf of the committee. The indictment of Havemeyer showed, however, that the questions were put to the witnesses "for and in behalf of the committee," and therefore the indictment held in this respect.

It further contended that these defendants declined to answer because they did not have the requisite knowledge to do so. All that was asked was to the contributions to the Democratic campaign fund of 1892 and as to the amount given. A witness could not be prosecuted for refusal to answer questions of which he had no knowledge. If that point had been raised before the committee, it would have been a good point, but Havemeyer and Searles did not say that they had no knowledge of the contributions.

It had been publicly charged that the contribution was for the purpose of preventing legislation adverse to the interest of the corporation giving it, and also that Senators had been influenced in their votes by that contribution. The Senate started out to investigate these reports and it had a perfect right to do so.

The question, therefore, came down to one of pertinency. The amount of money contributed certainly was a very important thing to ascertain the circumstances. The newspapers had charged that the sum contributed was immense, but Havemeyer and Searles had refused to tell what the amount was. The question was perfectly pertinent and should have been answered.

Continuing, Judge Cole said it was also claimed by defendants that the amounts contributed were not pertinent, because the contribution was for local and not for national campaign purposes. It was perfectly clear, and everybody knew, that contributions made to national campaign committees of political parties went to the State and local committees for parading out just as money given to State and local committees in a campaign where national issues were involved went as much to help the national as the local candidate of the party receiving the contribution. The question was whether this money was used in the national campaign for the purpose of influencing legislation. Havemeyer and Searles refused to show whether it was or was not. Their demurrers were therefore overruled and the indictments were good.

Mr. Nathaniel Wilson, representing Havemeyer and Searles, called Judge Cole's attention to the charge in the indictments that Havemeyer had refused to answer questions. Havemeyer had merely refused to produce the books of the company of which he was president, said Mr. Wilson, and had not refused to answer questions as to matters of which he had no personal knowledge. Judge Cole said he had considered that point and it amounted to the same thing.

Assistant District Attorney Taggart and the attorneys representing the defendants announced an agreement to consent as to the days to be set for the trials of the various persons whose demurrers had been overruled.

The attorneys for Messrs. McCartney and Chapman, the two brokers, have decided to surrender one of the indicted men, probably Mr. McCartney, to the authorities, and then carry the case to the Supreme Court on a writ of habeas corpus. McCartney and Chapman are on bail and it will probably be arranged that the one to be surrendered shall remain in technical custody only and not be incarcerated in jail.

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## January Clearing Sale.

Before taking inventory, we will begin Monday, December 31st, to offer the balance of our stock of ladies' and children's cloaks less than cost. Cut prices on dress goods, Winter underwear for ladies, gents and children at greatly reduced prices. Call early if you want some good bargains. Levy Bros., 174 Main street.

## Price Cuttings.

Genuine Brussels, lovely patterns, \$5.50 per pair; Irish point, \$5 per pair; prettiest Nottingham ever in the city. Special one week. Crewey & Dill, 188 Main street.

## Continued.

Our great clearing sale of dress goods will continue the rest of the week. See Saturday's and Sunday's paper for prices.

R. A. SAUNDERS.

## M. FRANCOIS FELIX FAURE

Elected President of the French Republic Yesterday.

## ONLY SOCIALISTIC VAPORING

Elected on the Second Ballot. No Excitement Among the People, but Occasional Outbursts in the Chamber. The President.

By Southern Associated Press.

PARIS, January 17.—M. Francois Felix Faure, member of the Chamber of Deputies for Seine-Inférieure, was today elected President of the French Republic to succeed M. Casimir-Perier, whose resignation was read in the Chamber yesterday.

The day opened quiet and nothing in the appearance or demeanor of the people either in Paris or Versailles indicated that the country was on the eve of an election to fill the highest office in the nation. Except that a force of soldiers was massed at each of the railway stations and four sappers and miners were guarding each railway bridge and grade crossing between Paris and Versailles there was nothing to show that anything extraordinary was going on.

Very few persons arrived at Versailles before noon but after that hour every train was packed with Senators, Deputies, newspaper reporters and sight-seers. There was no demonstration of enthusiasm either at the station or at the Palace.

At 11 o'clock a number of telegraph operators, with their apparatus, were installed in the Palace, hundreds of attaches arrived, and the printing presses were made ready to record the official report of the proceedings of the national convention.

M. Challemeil-Lacour, President of the Senate, accompanied by his official Secretaries, started from Paris for Versailles at 8:50 this morning from the Montparnasse railway station, and upon his arrival in Versailles was conveyed to the Palace in an open carriage.

Workmen had been engaged all night in fitting up the hall in the palace in which the National Assembly was to sit with the furniture and hangings from the Garde Meuble. A force of 500 detectives from this city arrived in Versailles early in the morning and the strength of the regular police was greatly increased, it being feared that the anarchists might seize the opportunity afforded by the crisis, but nothing worse than socialistic vaporings occurred throughout the day.

The National Assembly was called to order by M. Challemeil-Lacour at 1:10 p. M. Challemeil-Lacour, in a brief speech, announced the resignation of President Casimir-Perier, and read the text of the articles of the constitution regulating the election of a President. As soon as the presiding officer had ceased speaking M. Challemeil-Lacour, sprang to his feet shouting, "We ought not to have a President."

M. de Baudrey d'Assen, Legitimist, demanded a right to be heard and, in spite of the storm of protests from all parts of the hall, insisted upon speaking from his place. While persisting in speaking he waved aloft a document which, he declared, contained a proposition to re-establish the monarchy. The protests had in the meantime become so violent that, after repeated vain attempts to make himself heard, he finally deposited the documents upon the table, they being contemptuously pushed aside by the presiding officer.

Lots were drawn at 1:17 for thirty-seventeen scrutineers to supervise the balloting. Then came the drawing of lots to see what letter the voting should begin with. Precisely as was the case last June the letter "L" was drawn and LaBarthe, Moderate Republican, was enabled for the second time to begin the balloting for a President.

When the name of Mirman, socialist, was called, there was no response, Deputy being a soldier garmented at Ninennes, and the Colonel of his regiment having refused to grant him a furlough in order that he might be present in the assembly. The Socialists raised a tremendous uproar because Mirman's vote was not recorded.

When Tourant, (Socialist) deposited his vote in the urn he cried "Vive Social Revolution," and when the name of Avez, (Socialist Revolutionist) was called he refused to vote, but shouted from his seat "Absolution from voting means dissolution. Down with the Presidency."

The voting was a slow process. Each Deputy and Senator in response to his name walked to the platform, depositing his ballot in an urn and returning to his seat. The balloting began at 1:20 p. m. and lasted until 3:30. The counting, revising, etc., of the votes required an

hour and the result was officially announced at 4:30 as follows: Brisson, 338; Faure, 241; Waldeck-Rousseau, 184; scattering, 28. Total number of votes cast, 791; necessary to elect, 398.

The open advocacy of the candidacy of Brisson by the Socialists hurt that gentleman's chances very much.

Over 100 Conservative Senators and Deputies divided their votes between Faure and Waldeck-Rousseau rather than cast them with the Socialists, whereas these votes might, for the greater part, have gone to Brisson.

Brisson and Waldeck-Rousseau both voted and the venerable Pierre Blanc, Union Republican, the father of the Chamber of Deputies, received an ovation as he walked to the urn and deposited his ballot.

When Baudrey d'Assen voted he shouted: "Vive Catholic France! Vive le Roi!"

The "allied" Republicans, at a meeting just prior to the convening of the Assembly, decided to vote for Faure. The Center held a meeting, but did not decide upon any candidate.

After the announcement of the vote it was noised about that Waldeck-Rousseau would withdraw his candidacy in favor of Faure and Cavaignac set on foot a movement designed to deprive Faure of some fifty votes, which, if successful, would, it was believed, elect Brisson. Accordingly, bulletins were distributed in the hope of making the running clear for Brisson by taking the wavering supporters of Faure. It was the belief that Cavaignac that he could secure perhaps fifty votes which had been given to Faure because of Brisson's radical tendencies. Had he succeeded in his scheme Brisson would have carried off the Presidency.

The announcement of the second ballot was made amid a terrible din. The Brissonites were going groaning, cheering and reproaching their neighbors that they paid no attention to Challemeil-Lacour when he rose to read the figures. It was five minutes after he spoke before all the members of the assembly knew the result. The figures generally known were then only approximate—Faure 430 and Brisson 361—but they sufficed to show that Felix Faure was President of France.

The scene was absolutely devoid of solemnity or dignity. The Brissonites, who had not once ceased bowing, were joined by other malcontents and the roof was fairly shaken by the indescribable tumult. The radicals mounted chairs and benches, shouting, "Down with this President—elected by the light."

The Socialists ran up and down the aisles howling, "Down with the thieves; down with the Congo adventurers; down with the Panama scoundrels."

Occasionally when the din subsided for a moment the Socialists would yell in an ear-splitting chorus: "Hurrah for the social republic," "Hurrah for the social revolution," Baudry d'Assen, the Orleanist, had got a conspicuous place near Challemeil-Lacour, and with purple face and waving arms, proclaimed a hundred times that the presidency was useless and the republic must end.

The crowd outside was in strange contrast to the Assembly. It was neither excited nor enthusiastic.

Faure's train to Paris was a special one and very slow and reached the St. Lazare station at 9:05. By that time the news of the election had spread far and wide and a vast throng had gathered in the Place du Havre, outside the station. The President was received with a few cries of "Long live Felix Faure," but there was no enthusiasm.

Francis Felix Faure was, until this evening, a member of the Chamber of Deputies for the Department of Seine-Inférieure. He was born in Paris January 30, 1841. He was under Secretary of State for the colonies in the ministries of Gambetta, Ferry, Brisson and Tirard, and was one of the vice-presidents of the Chamber of Deputies preceding the present one. He has been a Republican Deputy for about four years and has served on several of the most important committees of the chamber. Faure had made a legislative specialty of business questions, particularly those concerning the French merchant marine and foreign commerce. He served in the Franco-Prussian war as chief of a battalion of the Garde Mobile, and was made a chevalier of the Legion of Honor on May 31, 1871.

To-morrow the President will receive the officers of the staff. M. Faure is a tall, imposing figure, whose lines show the training he got in life as a mechanic. Although a millionaire ship owner, he has simple tastes. His election is a blow to the Protectionist party. The substitution of reciprocity treaties for the Melius treaty is only a question of time. Melius's newspaper organ, La République Française, admitted yesterday that Faure's election would mean the same as tariff reform. The result of the election

Continued on third page.

## TWO FINANCIAL MEASURES

Bill Proposed in the Senate for Revenue Deficiency.

## RESTORE SILVER COINAGE

Mr. Pugh's Bill to Remedy Financial Difficulties. A Dull Day in the House. Urgent Deficiency Appropriation Bill.

By Southern Associated Press.

WASHINGTON, January 17.—SENATE.—The first business of importance in the Senate today was the introduction of two official bills, one by Mr. Pugh and the other by Mr. Sherman. The title of the first was "To meet deficiencies in the revenue of the Treasury of the United States; to regulate the redemption of treasury and coin notes of the United States; to restore silver to coinage; to amend the national banking and currency laws, and for other purposes."

That of the second was "To provide for a temporary deficiency of revenue." Mr. Pugh's bill provides for the issue at once of not exceeding \$100,000,000 legal tender notes to meet deficiencies and to be redeemable in gold and silver standard coin; for the coinage of silver bullion in the treasury to be used in the payment of public expenditures; for the issue of certificates of silver to be deposited to the amount of its market value; for the reserve of \$100,000,000 in equal amounts of gold and silver, and for the payment of custom duties, one half in gold and the other half in other currency.

Sherman's bill authorizes the issue of 3 per cent. bonds for redemption of Treasury notes and to pay current expenditures; also to issue 3 per cent. certificates, to be sold at public depositories and postoffices, and allows the issue of national bank currency of the par value of the bonds deposited therefor. Both bills were read in full and were referred to the Finance Committee.

Mr. Pugh made an impassioned speech when he introduced his bill, in which he alluded to Mr. Vest's facetious characterization of Senators yesterday as a lot of "Old Muscovy Drakes" and denounced it as "degrading, mortifying and humiliating." The Pension Appropriation bill (appropriating \$140,000,000) was passed with an amendment to abolish \$2 and \$1 disability pensions and to make the minimum amount \$6 per month.

The Army Appropriation bill was then taken up but got snaggled on a question of change of army posts—a question on which Mr. Mitchell (Rep.) of Oregon, and Mr. Blackburn got heated up to a point which came dangerously near to a personal altercation.

The Army Appropriation bill went over without final action and, after a short executive session, the Senate, at 5:30, adjourned until to-morrow.

HOUSE.—The proceedings of the House in the morning hour lacked general interest, and were besides interrupted to receive a message from the Senate announcing the passage, with amendment, of the Urgent Deficiency Appropriation bill for the current year.

On motion of Mr. Breckinridge, of Kentucky, the amendment was disagreed to and a conference ordered, with Breckinridge, Sayers of Texas, and Cannon (Rep.) of Illinois, managers on the part of the House.

The Indian Appropriation bill was then taken up in committee of the whole. Mr. Cobb, of Missouri, moved an amendment appropriating \$1,000,000 to pay the first installment, due on March 1st, 1895, of the money due for the purchase and opening of the Cherokee Strip, under the act of 1893.

Mr. Holman made the point of order that the appropriation belonged to the Sundry Civil bill, and made it for the express purpose of getting a ruling of the chair for the first time in the history of Congress upon the question of jurisdiction of these matters.

Chairman O'Neill said that the appropriation was different from the appropriations under the jurisdiction of the Committee on Rivers and Harbors, to which Mr. Holman had referred, in that that committee was authorized to make appropriations for new work only. The Indian Appropriation bill was a bill appropriating money to carry into effect treaty stipulations with Indian tribes. The amendment was evidently to carry out a treaty stipulation and was, therefore, in order.

The amendment was agreed to. Mr. Holman said he hoped the Committee on Appropriations would bear in mind the ruling of the chair when making appropriations for the work carried on under contracts.

No other important change was

made in the bill, which had not been disposed of when the House at 4:40 adjourned until to-morrow.

## Court of Appeals.

By Southern Associated Press. RICHMOND, Va., January 17.—The following opinions were handed down in the Supreme Court of Appeals here to-day:

James G. Field vs. the county of Albemarle, from the Circuit Court of Albemarle, Affirmed.

Blanton et al. vs. the Commonwealth, from the Circuit Court of Amelia, Affirmed.

Cash vs. Commonwealth, from the County Court of King George county, Affirmed.

Campbell vs. Commonwealth, from the County Court of King George, Affirmed.

Dubin vs. Lillard, Sheriff, from the Circuit Court of Rappahannock county, Affirmed.

Mitchell vs. Commonwealth, from Circuit Court of Greene county, Affirmed.

Marshall vs. Commonwealth, writ of error refused to a judgment of the County Court of Lee county rendered on the 28th day of November, 1894.

Kirkwood Mitchell, allowed to practice as counsel in the court.

Home Building and Conveyance Company vs. City of Roanoke, argued by R. E. Scott, for appellant, and W. A. Glasgow, Jr., for appellee.

## STEEL IN THE SOUTH.

New Company and Mill for Alabama.

By Southern Associated Press.

BIRMINGHAM, Ala., January 17.—The first of the present week it was announced that the Birmingham Rolling Mill Company would build a steel mill in this city, and that work on the construction of the same would commence within three weeks.

Following that announcement now comes one that the Debardeleben Steel Company have purchased the Alabama Steel Company's mill at Fort Payne, Ala., and will at once remove it to Bessemer, twelve miles from Birmingham, and put it in operation.

The capital stock of the Debardeleben Steel Company is \$1,000,000, and it has the backing of the Bessemer Land and Improvement Company. H. F. Debardeleben, who is at the head of the steel company has been the greatest developer ever in this section, and he will make the steel mill as great a success.

## Delaware's Senator.

By Southern Associated Press.

DOVER, Del., January 17.—The unbroken front presented by the Higgins and Addicks forces is held to be indicative of continued disagreement. The attitude of Massey in the light is irritating to the supporters of Senator Higgins, who insist that if Massey is not really a candidate, as he has all along claimed, he should come out openly and request his three supporters in the Legislature not to vote for him any longer. This, they claim, would send the three votes to Higgins. The Addicks men do not admit this, and insist that the Massey voters are as likely, when they break, to swing over to the Addicks column as to go to Higgins.

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**AGENTS.**

## THE GREAT TROLLEY STRIKE

Indications That It Will Soon be Ended.

## WHAT THE MEN HAVE GAINED

Three Lines Have Been Operated by the Companies. Not a Car in Eastern or Southern Brooklyn. The Cars Help Up.

By Southern Associated Press.

BROOKLYN, January 17.—The great trolley strike is still on, but there are indications that it will be soon ended. One company, that which operates the DeKalb avenue line, came to terms with its men and its cars were in full operation today. Another company opened negotiations with its employees and an early settlement is expected. This much the men have gained.

On the other hand the other companies have operated the three lines, which were opened yesterday, the Flatbush, Fifth Avenue and the Court Street lines and added the Putnam Avenue and Halsey Street line to the list. Cars were run on the last line under great difficulties from 1:30 p. m. until 5 p. m., when it was thought best to stop them, as a mob of over 1,000 persons surrounded the company's stables.

Not a car was moved in the eastern or southern part of the city. Some forty lines are still tied up and at nightfall cars were stopped on all lines except the DeKalb avenue and Jay street lines, which were the only lines operated without police protection throughout the day.

There were more instances of interference of the cars by the strikers than on any day since Monday, and the police had their hands full. Cars were held up, windows smashed and green motormen and conductors assaulted. The police used their clubs freely and captured half a dozen men and one woman from the mobs of stone throwers.

Mayor Schieren was appealed to by the executive committee representing the strikers, and asked to compel the companies to operate their roads or forfeit their charters. He heard their case, sent for the corporation counsel and summoned President's Lewis and Norton. After a conference with the men, in which they refused to make any concessions to their striking employees and refused to sign any agreement whatever with a labor organization, the Mayor said that he had not accomplished anything, but would devote his energies to finding some way of settling the strike in the interest of the public.

This evening a mass meeting of citizens, called by the Fulton street merchants, whose business is seriously affected by the strike, was held at the Athenaeum, and the action of the railroad companies in refusing to make terms with their employees was denounced.

Remember our overcoats. They are being sold at prime cost for cash. Nichols & Wallace, 169 Main street.

## 250 HEAD

## Horses Mules

Our next sale will be held on

Tuesday, January 22,

Friday, January 25,

AT 10 A. M. AT THE

Norfolk Horse Exchange.

At which time we have to offer to the highest bidder 250 Horses and Mules, suitable for both the Eastern and Southern markets. Our sales are conducted on the principal of air dealing, with all and with pleasure we refer to our success in the past. Our sales are increasing to such an extent that we now have the largest Horse market in the South.

This stock will consist of consignments from the best known shippers in the West. Our usual terms will be observed—absolute sale, no reserve. Twenty-four hours trial and if not as represented, your money will be refunded.

Remember, every TUESDAY and FRIDAY, rain or shine.

THE MCCLARY-MCCLELLAN LIVE STOCK COMPANY, 69 and 69-1-2 Union street.

## Sensible Suggestion

In view of the fact that the annual dividends and cash surplus on

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